

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RUDOLPH F. ESTRADA

Petitioner,

v.

FRESNO COUNTY JAIL,

Respondent.

Case No. 1:23-cv-00444-ADA-CDB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS THAT THE PETITION
FOR WRIT OF HABEAS CORPUS BE
DISMISSED WITH PREJUDICE

(ECF No. 7)

Petitioner Rudolph F. Estrada (“Petitioner”) is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus that the Court construes to be filed pursuant to 28 U.S.C. § 2254. (ECF No. 1.) On March 29, 2023, the assigned Magistrate Judge completed a screening of the petition. (ECF No. 7.) The Magistrate Judge found Petitioner’s constitutional claims were related to the conditions of the Petitioner’s confinement rather than its legality, and, accordingly, are not cognizable in a federal habeas corpus proceeding. (*Id.* at 2-4.) The Magistrate Judge, therefore, held that Petitioner’s claims may be raised, if at all, in a § 1983 civil rights actions and directed the Clerk of Court to send Petitioner one blank copy of the form complaint for § 1983 civil rights action. (*Id.* at 3-4.)¹

¹ The Court acknowledges that an earlier filing in this action served by mail on Petitioner was returned “undeliverable” on April 3, 2023; however, the findings and recommendations were served on March 29, 2023, and have not been returned to the Court.

1 The findings and recommendations advised Petitioner that he must file any objections within 21
2 days after service of the order and that the “failure to file objections within the specified time may waive
3 the right to appeal the District Court’s order.” (*Id.* at 4 (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 839
4 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).) Petitioner did not file any
5 objections; instead, on April 19, 2023, he filed a “PC Civil Rights Complaint” in a separate action. (ECF
6 No. 9); *Estrada v. Duran, et al.*, No. 23-cv-00609-GSA.

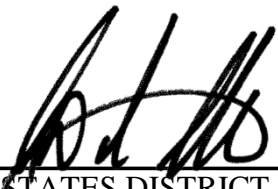
7 Pursuant to 28 U.S.C. § 636(b)(1)(C), and Local Rule 304, this Court conducted a *de novo* review
8 of this case. Having carefully reviewed the entire matter, this Court concludes the findings and
9 recommendations are supported by the record and by proper analysis.

10 Accordingly,

- 11 1. The March 29, 2023, Findings and Recommendations, (ECF No. 7), are adopted in full;
- 12 2. Petitioner’s petition for writ of habeas corpus, (ECF No. 1), be dismissed with prejudice and
13 without leave to amend as his claims fall outside the core of habeas corpus; and
- 14 3. The Clerk of the Court is directed to close this case.

15
16 IT IS SO ORDERED.

17 Dated: June 30, 2023

18 
UNITED STATES DISTRICT JUDGE